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Attorneys for Defendant Intuit Inc.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

INTER-MARK USA, INC., individually
and on behalf of all persons similarly
situated,

Plaintiff,

v.

INTUIT INC.,

Defendant.

Case No. C 07-04178 JCS

**PARTIES' STIPULATION AND
[PROPOSED] ORDER SELECTING ADR
PROCESS**

Counsel report that they have met and conferred regarding ADR and have reached the following stipulation pursuant to Civil L.R. 16-8 and ADR L.R. 3-5: The parties agree to participate in mediation but have not yet agreed on private versus Court-appointed processes.

1 Dated: November 14, 2007

FENWICK & WEST LLP

2
3 By: /s/ Rachael G. Samberg
4 Rachael G. Samberg

5 Attorneys for Defendant INTUIT INC.

6 Dated: November 14, 2007

Max Folkenflik, Esq.
Margaret McGerity, Esq.
FOLKENFLIK & MCGERITY

7
8
9 By: /s/ Max Folkenflik
10 Max Folkenflik

11 Attorneys for Plaintiff INTER-MARK USA,
INC.

12 **ATTESTATION PURSUANT TO GENERAL ORDER 45**

13 I, Rachael G. Samberg, attest that concurrence in the filing of this document has been
14 obtained from any signatories indicated by a “conformed” signature (/S/) within this e-filed
15 document.
16

17 I declare under penalty of perjury under the laws of the United States of America that the
18 foregoing is true and correct. Executed this 14th day of November, 2007 at San Francisco,
19 California.

20 Dated: November 14, 2007

FENWICK & WEST LLP

21
22 By: /s/ Rachael G. Samberg
23 Rachael G. Samberg

24 Attorneys for Defendant INTUIT INC.

[PROPOSED ORDER]

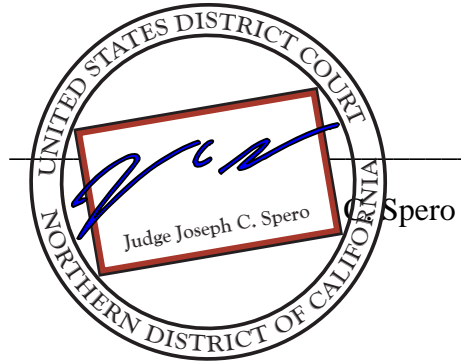
Pursuant to the Stipulation above, the captioned matter is hereby referred to:

Mediation. The parties shall decide by 11/30/7 on type of ADR process and advise the Court at the case management conference on 11/30/7.

The deadline for ADR session is Ninety days (90) from the date of this Order.

IT IS SO ORDERED.

Dated: 11/15/07



16319/40029/LIT/1276080.2

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